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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,507	11/01/2001	Paul E. Andreasen	381-27-033	9750

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EXAMINER

DINH, TUAN T

ART UNIT PAPER NUMBER

2827

DATE MAILED: 04/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,507

Applicant(s)

ANDREASEN ET AL.

Examiner

Tuan T Dinh

Art Unit

2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36, 39-41 and 44-46 is/are pending in the application.
- 4a) Of the above claim(s) 1-24 and 44-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-36 and 39-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Applicant's election of Group II (claims 25-36, and 39-41) in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 25-36, and 39-41 are rejected under the judicially created doctrine of double patenting over claims 1-4 of U. S. Patent No. 6,356,450 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: a face plate and walls, a circuit board retainer, and

holder retainer. The limitations of claims 1-4 of U. S. Patent 6,356,450 are encompass the limitations of instant claims 25-36 and 39-41.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Specification

3. The disclosure is objected to because of the following informalities:

Page 4, line 11, add "of walls" after --a pair--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 25-31, 33-36, and 39-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (U. S. Patent 6,171,131 B1).

As to claim 25, Lee discloses a circuit board holder (23, column 3, line 14) as shown in figures 1-4 comprising:

a faceplate (231, column 4, line 11) and walls (234, column 4, line 12) projecting from an inside of the faceplate. The circuit board holder also has circuit board retainers (236, column 4, line 18) at a pair of opposite ones of the walls; and a holder retainer (237, column 4, line 19) at an edge of the face-plate (see figure 1).

As to claim 26, Lee discloses a circuit board holder as shown in figures 1-4 wherein at least one of another pair of the wall has a lateral opening covering more than one half of that one wall.

As to claims 27-29, Lee discloses a circuit board holder as shown in figure 1 wherein the circuit board retainers (236) are inside of the circuit board holder (23) and are external of an inside space (see figure 1) of the circuit board holder.

As to claims 30, 35-36, Lee discloses a circuit board holder as shown in figure 1 including extensions of the pair of opposite walls (234) beyond an inside of the circuit board holder (23). The circuit board retainers (236) are on the extensions and insert circuit board (not shown, column 3, line 11) extending across the circuit board holder between the pair of opposite walls (234) and extending between the circuit board retainers on the extensions.

As to claim 31, Lee discloses a circuit board holder as shown in figure 1 wherein the circuit board retainers (236) include spaced rails (see figure 1) on the pair of opposite walls (234) inside of the circuit board holder (23).

As to claims 33-34, Lee discloses a circuit board holder as shown in figures 1-4 wherein the holder retainer (237) includes a pair of resilient snaps (see figure 1) at the pair of opposite walls (234).

As to claim 39, Lee discloses a circuit board holder as shown in figures 1-4 including an inserted circuit board having lateral catches (236) externally of a space inside the circuit board holder, the extensions of the pair of opposite walls (234); and the circuit board retainers on the extensions and lateral catches.

As to claim 40, Lee discloses a circuit board holder as shown in figures 1-4 including an aperture in the faceplate; and obviously a circuit board having a LED's consider such as a signal lamp in the aperture.

As to claim 41, Lee discloses a circuit board holder as shown in figures 1-4 including panel-accommodating serrations in the holder retainer (see figure 1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. +Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Lai et al (U. S. Patent 5,969,946).

. As to claim 32, Lee discloses all the limitations of the claimed invention, except for circuit board retainers include several spaced rails in each of the pair of opposite walls. Lai shows the circuit board retainers as shown in figures 2 and 3 having several spaced rails in each of opposite walls.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a circuit board holder of Lee and provide the circuit board retainers including several spaced rails in each of the pair of opposite walls as taught by Lai in order to provide the user with expansion means capability.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Richard, III et al, Hikita et al, and Liu et al disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3431 for regular communications and 703-308-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TD
April 11, 2003


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